

Parliament

*Its History, Constitution,
and Practice*

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CHAPTER I

ORIGIN AND DEVELOPMENT

THE WORD 'parliament' originally meant a talk. In its Latin form it is applied by monastic statutes of the thirteenth century to the talk held by monks in their cloisters after dinner, talk which the statutes condemn as unedifying. A little later the term was used to describe solemn conferences such as that held in 1245 between Louis IX of France and Pope Innocent IV. When our Henry III summoned a council or conference of great men to discuss grievances he was said by a contemporary chronicler to hold a parliament. The word struck root in England, and was soon applied regularly to the national assemblies which were summoned from time to time by Henry's great successor, Edward I, and which took something like definite shape in what was afterwards called the 'Model Parliament' of 1295. The word, as we have seen, signified at first the talk itself, the conference held, not the persons holding it. By degrees it was transferred to the body of persons assembled for conference, just as the word 'conference' itself has a double meaning. When Edward I was holding his parliaments, institutions of the same kind were growing up in France. But the body which in France bore the same name as the English parliament had a different history and a different fate. The French 'parlement' became a judicial institution, though it claimed to have a share in the making of laws.

The history of the English parliament may be roughly

divided into four great periods: the period of the medieval parliaments, of which the parliament of 1295 became the model and type; the period of the Tudors and Stuarts, having for its central portion the time of conflict between king and parliament, between prerogative and privilege; the period between the Revolution of 1688 and the Reform Act of 1832; and the modern period which began in 1832.

Let us try and trace, in broad outline, the elements out of which the parliament of 1295 grew up, and the main stages through which its development passed.

It had always been regarded in England as a principle that in grave and important matters, such as the making of laws, the king ought not to act without counsel and consent. The counsel and consent which the Saxon kings sought was that of their wise men, and the 'witenagemot' of English constitutional history was a meeting of these wise men. It seems, says Maitland, to have been a very unstable and indefinite body. It was an assembly of the great folk. When there was a strong king, it was much in his power to say how the assembly should be constituted and whom he would summon. When the king was weak, the assembly was apt to be anarchical. The Saxon witenagemot was not numerous. Small men, especially if they lived at a distance, could not come. Great men often would not come. The institution was not much of a safeguard against oppression. Still it was an important fact that, on the eve of the Norman conquest, no English king had taken on himself to legislate or tax without the counsel and consent of a national assembly, an assembly of the wise, that is, of the great.

The Norman conquest made a great break in English